

REMARKS

The proposed new claims, applicants respectfully submit, are in accordance with the election made. It is noted that with respect to the election of Group XVII and the traversed inclusion of Group III, no election of species was required.

New claim 72 is substantially identical to elected claim 41 except that the requirement that the cancer cells be located in a mammal has been deleted from the claim. This limitation is included in new claim 79 and claims dependent thereon, claims 80-82. New claim 83 corresponds to former claim 32 (Group III) in the elected aspect; it is believed that the modulation by inhibition of growth does not constitute a separate invention. Similarly, the limitations of claim 84 which require that the modulation be reflected as inhibiting survival or viability does not appear to constitute a separate invention.

New claims 73-76 correspond to previously pending claims 49-52, included within Group XVII. Proposed claim 78 corresponds to claim 55, also included within this group. New claims 79-82 correspond to claim 41 as previously pending and claims 53-54.

Accordingly, it is believed that the election is within the scope of the elected groups. Examination on the merits is now requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 511582000800.

Respectfully submitted,

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By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125